

Bill No. XLIV of 2019

THE RIGHTS OF DWELLERS AS OWNERS OF THE LAND BILL, 2019

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BILL

to identify the dwellers like farmers, labourers, artisans, tribes living in non-revenue or un-recognised villages and to provide those identified dwellers, to be entitled for registration as owners in respect of dwelling house, built on land not belonging to them and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India guarantees to secure all its citizens justice, social and economic, and equality of status;

AND WHEREAS in the past the revenue and non-revenue villages were created by the British to avoid the voting rights to the backward classes of India and the exploited class and their families were left with no land rights till date;

NOW THEREFORE, it is expedient to make law for land reform to provide land rights to those deprived classes.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rights of Dwellers as owners of the Land Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "competent authority" means such officers or authority appointed as the competent authority by the Central Government or State Governments as the case may be, or Central Government in consent with the State Governments, by notification in
10 the Official Gazette, for the purpose of this Act.

Short title,
extent and
commencement.

Definitions.

(b) "identified dweller" means a person whom the Commissioner and the Assistant Commissioner or the officer authorized by the competent authority, shall after such enquiry as may be prescribed, by order, determine to be entitled for registration as owner of the dwelling house and land in respect of which he is entitled to be so registered ;

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(c) "prescribed" means prescribed by rules made under this Act; and

(d) "unrecorded habitation" means a non-revenue or unrecognised village.

Appointment
of competent
authority.

3. The Central Government and the State Governments shall within their territorial if Jurisdiction appoint competent authority within six months from the commencement of this Act, in such manner as may be prescribed, for the purposes of this Act.

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Identifications
of dwellers by
the
competent
authority.

4. Notwithstanding anything contained in this Act or any other law for the time being in force, where an agricultural labourer, artisan or a labourer is ordinarily residing in a dwelling house, on a land not belonging to him, in an unrecorded habitation on the date of commencement of this Act, upon notification by the competent authority, specifying the survey number and boundaries in the prescribed manner, such a dwelling house along with the site thereof and land immediately appurtenant thereto and necessary for its social and economical survival, shall on the date of such notification by the competent authority, vest absolutely with the concerned State Government free from all encumbrances and the identified dweller shall be entitled to be registered as owner thereof.

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Explanation.—For the purpose of this Section, an identified dweller residing in a dwelling house which is a portion of the house of an owner or which is a temporary residence on such land shall not be regarded as ordinarily residing therein.

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Report by the
competent
authority.

5. The competent authority shall submit a report of its findings from every survey and the action taken in each case to the Central Government and to the concerned State Government in such manner as may be prescribed.

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Application
by identified
dweller.

6. (1) An identified dweller entitled to be registered as an owner under section 4, may make an application to the Assistant Commissioner or any other officer authorized by the State Government, in the prescribed manner before completion of one year from the date of notification by the competent authority under section 4.

(2) The Assistant Commissioner or the officer authorized by the State Government, shall after such enquiry as may be prescribed, by order, determine the person entitled to be registered as owner of the dwelling house and land and such other matters as may be prescribed and forward a copy of the Order to the Tehsildar.

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(3) The Tehsildar shall, on receipt of the order passed under sub-section (2) determine, in such manner as may be specified, the amount which the owner shall be entitled to for the extinguishment of his rights in such land and on payment of such amount to the State Government, by the, identified dweller, the Tehsildar shall issue a notification to this effect and also issue a certificate to such dweller specifying the extent and such other particulars as may be prescribed relating to such dwelling house and land and that he shall be registered as owner thereof.

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(4) A copy of the certificate shall be forwarded by the Tehsildar to the sub-registrar who shall notwithstanding anything contained in the Registration Act, 1908 register the same.

16 of 1908.

Rights of
identified
dwellers.

7. An identified dweller or group of identified dwellers shall be entitled to receive free legal aid if he/she so chooses and to engage any advocate who he or she chooses from among those enrolled in the legal aid panel under the Legal Services Authorities Act, 1987 and the Legal Aid Services Authority established under the said Act shall pay all costs, expenses and fees of the advocate appointed by the identified dweller in accordance with relevant rules.

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39 of 1987.

- 8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in concurrence with the State Governments, may by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty. Power to remove difficulty.
- 5 **9.** The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force except to the extent the provisions of other laws are inconsistent with the provisions of this Act. Act to have overriding effect.
- 10. (1)** The Central Government in concurrence with the State Governments make rules to give effect to the provisions of this Act. Power to make rules.
- 10 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the
- 15 rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Father of the Constitution Dr. B.R. Ambedkar said "Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative."

After Independence of India, dependent communities for various reasons settled at one place. Their domain has not been recognized as recorded revenue village. The concept of revenue and non-revenue villages is a creation by the British to avoid the voting rights to the backward classes of India, *i.e.*, agricultural labourers, artisans, daily wage earners, adivasis, nomadic, semi-nomadic tribes, hilly areas, forest areas settlers. Their settlements are treated as un-recognised, un-recorded non-revenue villages. Due to their unrecognized status, basic facilities like drinking water, roads, transport, upgradation of technical education, health food distribution, public distribution system and other connectivity do not reach these areas. The dwellers of these areas are not given rights in the form of title deeds, occupancy rights or enjoyment rights. Keeping the above in view the State Should, in a federal structure, do away with discriminatory classification of revenue and non-revenue, planning and non-planning and ensure that various facilities under National Programmes are equitably distributed based on the needs of the hamlets and habitats of India. Otherwise, their inhabitants will be treated a second rate citizens of the country due to denial of every rights in the forest, hilly border regions. Even today many unrecorded villages are without schools, teachers, health centers, postal and other communicating facilities.

The Constituion of India gives many rights to every citizen including the fundamental rights. Majority of the population which lives in the outskirts of the villages and peripheral of the forest land are not brought under the revenue records. Due to this, they will not be counted under the census and ultimately all the rights are denied to them.

In such situation, the State should not ill-treat these settlers as they are called in different traditional names, as in Karnataka such as Thanda, Hatti, Basti, Camp, Colony Adi, Wadi, Doddi, Palya, Puram or any other such un-recognised, un-recorded, un-surveyed, non boundaries, un-numbered domains. They number lakhs and lakhs in India. Land is a subject of State, But, the Central Government has every right to obtain the information and pass such law which deemds fit to the dependent citizen of the country.

Constitution of India guarantees to secure all its citizens, justice, social, economic and equality of status. But, still there are several lakhs oppressed and exploited humans who have till date not been able to claim their rights and to safeguard constituional intentions and their belief towards betterment of their families. It is deemed necessary to enact legislation for land reform which is an unfinished business of India till 2019, by giving ownership rights to the dweller who have spent their ages in their dwelling land/house without land ownership.

Hence this Bill.

B.K. HARIPRASAD

FINANCIAL MEMORANDUM

Clause 3 of the Bill *inter alia* provides for the appointment of Competent Authority for survey and investigations to identify dwellers under this Bill. The expenditure relating to States shall be borne out of the Consolidated Funds of respective States. The expenditure relating to Union territories shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government in concurrence with the State Governments to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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to identify the dwellers like farmers, labourers, artisans, tribes living in non-revenue or un-recognised villages and to provide those identified dwellers to be entitled for registration as owners in respect of dwelling house, built on land non belonging to them and for matters connected therewith or incidental thereto.

(Shri B. K. Hariprasad, M.P.)